

Members

Rep. Dan Stevenson, Chair  
Rep. Claire Leuck  
Rep. Robert Alderman  
Rep. John Ulmer  
Sen. Robert Meeks  
Sen. Becky Skillman  
Sen. Rose Ann Antich  
Sen. Allie Craycraft



# RAIL CORRIDOR SAFETY COMMITTEE

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Authority: P.L. 87-1997

## MEETING MINUTES<sup>1</sup>

Meeting Date: August 6, 1999  
Meeting Time: 10:00 A.M.  
Meeting Place: State House, 200 W. Washington St.,  
Room 233  
Meeting City: Indianapolis, Indiana  
Meeting Number: 1

**Members Present:** Rep. Dan Stevenson, Chair; Rep. Claire Leuck; Rep. Robert Alderman; Rep. John Ulmer; Sen. Robert Meeks; Sen. Becky Skillman; Sen. Rose Ann Antich; Sen. Allie Craycraft Staff: James Sperlik, Fiscal Analyst for the Committee; Anne Haley, Attorney for the Committee.

**Members Absent:** None.

The Chair, Representative Dan Stevenson, called the meeting to order at 10:10 a.m. The first order of business was an introduction of the Committee members and the staff.

Representative Stevenson next read the charge of the Committee. P.L. 335-1995 charges the Rail Corridor Safety Committee to do the following: (1) study the safety of rail corridors, including corridors at overpasses, underpasses, and crossings; 2) review rail safety records; 3) study methods of encouraging cooperation among railroads, local government, state government, and federal government to enhance the safety of railroads; 4) study other topics as assigned by the Legislative Council.

### **1. Review of the Executive Summary Report of the National Transportation Safety Board (NTSB) on the June, 1998, grade crossing accident in Portage, IN.**

The June, 1998 grade crossing accident involved a Northern Indiana Commuter Transportation District (NICTD) passenger train and a long combination vehicle that consisted of a tractor pulling two flatbed semitrailers loaded with steel coils at a highway grade crossing near

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<sup>1</sup> Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

Portage, Indiana. There was Committee discussion of the report. The Chair then recognized Mr. Jerry Hanas, General Manager of NICTD.

## **2. Jerry Hanas of NICTD**

Mr. Hanas provided the Committee with a Chronology of NICTD Actions regarding the accident. Mr. Hanas also told the Committee that an ad-hoc committee has been formed to study the corridor in which the accident took place. Mr. Hanas next distributed a map of the accident area. Referring to the NTSB study, Mr. Hanas introduced Mr. Bjorne Henderson, chief legal counsel for NICTD. Mr. Henderson told the Committee that NICTD disputed several conclusions of the NTSB report, namely that the visibility on the track was not an issue and that the steel coils on the truck involved in the accident were properly secured. Mr. Henderson said that NICTD has written to the NTSB, regarding their concerns about some of the findings.

In response to a Committee question about constructing an access road to all steel mills so that an accident such as the one which occurred in Portage would not be repeated, Mr. Hanas said that NICTD is looking at constructing a grade separation to the left of Old Wilson Road. He said that this would eliminate a major problem area. Another issue raised by the Committee was the planned demolition of the existing two-lane bridge at State Road 249, serving the Port of Indiana. Mr. Hanas told the Committee that the Indiana Department of Transportation (INDOT) is planning to demolish the current two-lane bridge and replace it with a new two-lane bridge. Representative Stevenson commented that the Indiana Port Authority would like to see a four-lane bridge to handle the traffic. Mr. Steve Cecil, Deputy Commissioner of the INDOT, told the Committee that the existing bridge is being replaced because it is inadequate to handle existing weight loads.

Mr. Hanas told the Committee that since the June, 1998 accident, the National Steel Company has installed stadium lighting at the crossing. The trucks such as the one involved in the accident may only cross during the day. In response to another Committee question, Mr. Hanas said that increasing the down time for gates at the rail crossing would add to the traffic congestion on State Road 12. Mr. Hanas further commented that from NICTD's perspective, the best course of action is to construct a grade crossing separation.

## **3. Federal Railroad Administration (FRA)**

The Chair next called upon Ms. Patti Smith, Crossing and Trespass Regional Manager of the FRA. In her presentation, Ms. Smith made available several handouts to Committee members. These handouts included: 1) A Chronology of events, dating back to September 15, 1997, which included railroad accidents and near accidents that occurred in Northwest Indiana, action plans to correct the causes of the accidents, and on-going efforts of the various parties involved to effect change. 2) A Summary of the Results of Railroads Utilizing a 1-800-number for railroads with over 1,000 public at-grade crossings. In 1996, several major railroads, at their own expense, began installing notification signs which posted a telephone number for reporting malfunctions and/or major emergencies at their respective crossings. A November, 1997, survey conducted by the railroads indicated that more than 35% of all public at-grade crossings had, or soon would have, signs displaying a 1-800-Telephone and Crossing Identification Numbers. 3) A Truck Driver Safety Alert. This Alert contained information on how to cross railroad tracks safely, what to do if you get stuck on the tracks, and a list of helpful resources and telephone numbers. 4) A letter from Rodney Slater, Secretary of Transportation, to the nation's 50 governors in which Mr. Slater requests increased involvement from both law enforcement and judicial communities from around the nation to further reduce highway rail-crossing accidents.

In response to a Committee question as to why it has taken so long to correct the situation where the June, 1998, Portage, Indiana accident occurred, Ms. Smith said the road involved is a private road and not a public road. Mr. Lane Ralph, Deputy State Director, for Senator Richard Lugar, told the Committee that because steel companies owned the road, no public money has been spent there. Mr. Ralph also said that a four-lane bridge and traffic on the interior roads would help alleviate the problem if the steel companies would grant an easement.

In response to Committee questions about what other states are doing to address the problems of at-grade rail crossings, Ms. Smith of the FRA said that some states have a moratorium on new crossings. In addition, Ms. Smith commented that some states have gone to an all-gate policy which means alternate lights, bells, and gates at all multi-track crossings. Ms. Smith further commented that states also are looking at gates and lights at all passive crossings. Ms. Smith said that she will distribute copies of model legislation to the Committee regarding at-grade rail crossings. Ms. Smith further commented that funding for the all-gate policy is done on an 80/20% split, with the federal providing 80% and the states providing 20%. Ms. Smith said that the cost for maintaining an at-grade rail crossing is about \$3,000 per year. She also said that the state of Wisconsin reimburses the railroads for maintenance costs. Mr. Lane Ralph said that federal 402 Safety Funds allocated to the State have been used in Lake, LaPorte, and Porter counties for safety education.

#### **4. Indiana Department of Transportation**

The Chair next called upon Mr. Steve Cecil, Deputy Commissioner of the Indiana Department of Transportation. Mr. Cecil told the Committee that INDOT was disappointed in the findings of the NTSB regarding the Portage, Indiana, accident. He said that the INDOT was disappointed that the NTSB absolved the driver of the truck from any fault and said the INDOT would not comment further until they see the entire report. In response to a Committee question, Mr. Steve Hull, Manager of Engineering Services of the INDOT, told the Committee that his section has not seen the full report and the data/information which led the NTSB to its conclusions. The Chair asked if there is any way to appeal the decisions of the NTSB. Mr. Henderson of NICTD said that NICTD has challenged the facts and not the conclusions. Mr. Henderson further commented that until the entire report is out, it is premature as to whether NICTD will take any action. Mr. Henderson said that the procedures for the State to appeal are outlined in the Code of Federal Regulations. Mr. Hull of the INDOT commented that the NTSB is not saying that the State failed to act correctly, but is saying that the framework of the State dealing with private entities needs some work. Mr. Hull said that the law currently does not give the INDOT responsibility for private crossings.

Mr. Larry Goode, Director of Intermodal Transportation of the INDOT, was recognized by the Chair. Mr. Goode told the Committee that Class 3 railroads are eligible to receive grants from the Industrial Rail Service Fund. He said that currently there are eight grants to Class 3 railroads.

Mr. Hull of the INDOT, in response to Committee questions, said that the programs he administers improved 90 at-grade rail crossings rather than the 60 that were planned. He also said that the local match for some projects was waived. Mr. Hull further commented that federal 1103c funds (grade crossing improvement funds) from the FRA have been used for high speed rail crossings. In response to a Committee question about Shortline Railroads, Mr. Hull said that Shortline Railroads have infrastructure problems. He said that they have been able to get federal Transportation Enhancement Funds for two Port Authorities-Madison and Perry county.

The Chair next recognized Mr. Ron Thomas, Rail Section Manager of the INDOT. Mr. Thomas made available a handout, Update of the Passive Grade Crossing Improvement Fund and the Industrial Rail Service Fund. In response to a Committee question about the Grade Crossing

Improvement Fund and why only \$22,000 of the \$500,000 two-year (1997-99 biennial) appropriation had been spent, Mr. Thomas told the Committee that the program got started late and that the structure of the program was not created until April, 1999. Mr. Thomas also said that he was not aware of the program until February, 1998. Ms. Cathy Hale of the Madison Railroad was recognized by the Chair and said that the Madison Railroad received a \$60,000 grant and that any problems were the railroad's and not INDOT's. She said that the INDOT has bent over backwards to work with the Madison Railroad. Mr. Thomas commented that his division has another staff position which should help to get the Rail Grade Crossing Improvement Fund spent.

Of the \$500,000 appropriation, about \$428,000 is obligated. Mr. Thomas said that he expects the obligated amount to be spent by the end of the year. In response to a Committee question about the Industrial Rail Service Fund, Mr. Thomas said that no railroads from Lake or Porter Counties applied for money from the Industrial Rail Service Fund. Ms. Cathy Hale of the Madison Railroad, regarding the Industrial Rail Service Fund, said that the fund has a balance of \$5 million. About \$1.2 million per year is distributed.

The Chair asked the INDOT representatives if preparations had been made for high-speed crossings. Mr. Larry Goode of the INDOT told the Committee that corridors for high-speed rail have been identified--Cincinnati-Indianapolis-Chicago. Mr. Goode said that while the corridors have been identified, track alignment has not been identified. He also said that the INDOT will seek 1103c funds to upgrade the crossings.

Mr. Goode told the Committee that the new legislative liaison for the INDOT is Ms. Cathy Noland. Mr. Hull told the Committee that in 1998, the INDOT saw the fewest number of rail crossing accidents in the last 25 years.

The Chair adjourned the meeting at 11:35 a.m.